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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,646	10/09/2001	William L. Thomas	UV-212	9935
1473	7590	02/26/2007	EXAMINER	
FISH & NEAVE IP GROUP ROPES & GRAY LLP 1211 AVENUE OF THE AMERICAS NEW YORK, NY 10036-8704			HOYE, MICHAEL W	
			ART UNIT	PAPER NUMBER
			2623	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/974,646	THOMAS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael W. Hoye	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12/14/06.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6,8-23,25-33 and 56-116 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6,8-23,25-33 and 56-116 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Preliminary Note***

1. The previous Examiner of record, Vivek Srivastava, is no longer assigned to this application. Another Examiner, Michael Hoye, has now been assigned to this application and the current contact information is provided at the end of this Office Action.

### ***Response to Arguments***

2. Applicants' remarks/arguments with respect to claims 1-6, 8-23, 25-33 and 56-116 have been considered but are moot in view of the new grounds of rejection as presented below.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 8-11, 16-23, 25-28, 33, 57-68, 71-83 and 88 are rejected under 35 U.S.C. 102(e) as being anticipated by Goode et al (USPN 6,166,730).

Regarding claims 1, 3, 5, 6, 17, 18, 20, 22 and 23, Goode discloses a video on demand system in which a user can pause a video program from one set-top box and resume the video from another set-top box per a user request from the point at which the program was paused.

Goode discloses providing multimedia programming including audio, video, graphics and like on an on-demand basis (see col. 2, line 64 - col. 3, line 5). A video session manager (VSM) 106 (Fig. 1) located upstream from the user manages an on-demand session by receiving commands from the user, including pause, for interrupting the transmitted stream (see col. 5, lines 30-45). Once a user indicates a desire to pause a program, the pause command is transmitted to the VSM to interrupt transmission of the program stream. The VSM bookmarks the location of the pause or freeze command (see col. 19, lines 5-42). In addition to, regarding the claimed, "configured to record the media-on-demand program when the request to freeze delivery is received from the first user equipment" (see claim 1), or in a similar manner, the claimed, "recording the media-on-demand program on a remote media-on-demand server when the request to freeze delivery is received from the first user equipment" (see claim 18), the Goode reference further meets these claimed limitations as described above in col. 19, lines 5-42, where when the first user selects a stop or pause on the remote control the program is recorded or stored in the video server and may be accessed through the menu selection "Active Programs/Saved Movies" that list previously stored movies. A user can resume playing of the on-demand session from the paused location on another set-top by sending a command to the VSM to resume playing of the on-demand session (see col. 19, lines 5-42), the bookmarked position is retrieved, and playing of the on-demand program is resumed. Furthermore, as described in col. 19, lines 5-42 of Goode et al the user has the option of relocating to another set top box and freezing or stopping the delivery of the media-on-demand program while relocating from one set top box to another or second set top box.

Regarding claims 2, 16, 19 and 33, Goode discloses the paused position is bookmarked in a memory location specific to the user (see col. 19, lines 18-43). Necessarily, the remote on

demand server is configured to save the point at which the media-on demand program was frozen (user specific data) to the user-specific storage space on the remote media-on-demand server. It is further noted that a plurality of user's can use the system thus remote media-on demand server includes user-allocated storage space portioned for different users to store user-specific data.

Regarding claims 4 and 21, Goode discloses providing/displaying a title screen menu for selecting a previously paused program to resume the program by requesting and transmitting a resume command to the VSM (see col. 19, lines 18-38).

Regarding claim 8, Goode discloses that the media-demand presentation is resumed on the second user equipment when the remote media-on-delivery server retrieves the beginning of the recorded media-on-demand program and plays the media-on-demand program from the beginning of the media-n-demand program on the second user equipment (see col. 19, lines 18-42).

Regarding claims 9, 26, 27 and 56, Goode discloses a user can input a PIN or personal identification information and log in to the system (see col. 5, lines 10-15, also see col. 19, lines 5-42).

Regarding claims 10, 11 and 28, Goode discloses a user inputs a PIN to start an on-demand session (see col. 5, lines 10-15). Once a user is logged in to a session, the user can freeze or pause the delivery of the on-demand stream and resume delivery from another set-top (see col. 19, lines 18-43).

Regarding claim 25, Goode discloses a user can pause or stop a program from a first set-top, make a payment and view the same program from a second set-top from the beginning (see col. 17, lines 32-55) and thus discloses the claimed limitation.

Regarding claim 57, the claim is rejected based on the rejection of claims 1 and 3.

Regarding claims 58-68 and 71-72, the claims are rejected based on the rejection of claims 2, 4-6, 1, 8-11 and 16-17, respectively.

Regarding claim 73, the claim is rejected based on the rejection of claims 18 and 20.

Regarding claims 74-83 and 88, the claims are rejected based on the rejection of claims 19, 21-23, 18, 25, 56, 26-28 and 33, respectively.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-13, 29-30, 67-68 and 84-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode et al (USPN 6,166,730), in view of Ludwig et al (USPN 6,816,904).

Regarding claims 12-13, 29-30, 67-68 and 84-85, Goode discloses an login option (PIN) but fails to disclose the claimed providing the user with an opportunity to log out of the system from the first user equipment and providing the user with an opportunity to log out comprises displaying an display screen that includes a logout option. Ludwig et al teaches a video-on-demand system, which includes the use of “login” and “logout” security features (see col. 20,

line 63 – col. 21, line 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the Goode et al reference with the additional teachings of the Ludwig et al reference, which includes a feature for logging out of a session for the advantage of providing a more secure system by ensuring others cannot access a user's session. One of ordinary skill in the art would have been led to include the claimed limitations for the benefit of ensuring others do not access a user's on-demand session thereby providing a more secure system.

7. Claims 14, 31, 69, and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode et al (USPN 6,166,730), in view of Sull et al (US 2002/0069218).

Regarding claims 14, 31, 69 and 86, Goode discloses a media on-demand server, but fails to disclose providing the user with an opportunity to request to freeze delivery in response to the logout option being selected. Sull et al teaches a video-on-demand system where a subscriber can stop or freeze a delivery in response to a log out option being selected (see ¶ [0013]). Therefore, it would have been obvious to one of ordinary skill in the art to have combined the teachings of the Goode et al reference with the additional teachings of Sull, which discloses a video-on-demand system where a subscriber can request to freeze delivery in response to the logout option being selected, for the advantage of enabling a user to return directly to the point a media program was frozen or stopped due to logging out of the system without having to go through a time-consuming playback of the multimedia file from the beginning. One of ordinary skill in the art would have been led to make such a modification for the benefit described above.

8. Claims 15, 32, 70 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode et al (USPN 6,166,730), in view of Abecassis (USPN 5,610,653).

Regarding claims 15, 32, 70 and 87, Goode discloses a media on-demand server, but fails to disclose uploading a user's personal media from the first user equipment to the remote media-on demand server. Abecassis teaches a video-on-demand system where a subscriber can both upload and download video (see col. 34, lines 36-41). Therefore, it would have been obvious to one of ordinary skill in the art to have combined the teachings of the Goode et al reference with the additional teachings of Abecassis, which discloses a video-on-demand system where a subscriber can both upload and download video, for the advantage of enabling other users or subscribers to access the personal media per request. One of ordinary skill in the art would have been led to make such a modification for the benefit of sharing a user's personal media with others interested in accessing or viewing the personal media.

9. Claims 89-99 and 101-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode et al (USPN 6,166,730), in view of Ludwig et al (USPN 6,816,904), in further view of Sull et al (US 2002/0069218).

Regarding claim 89, the claim is rejected based on the rejection of claims 1, 12-13 and 14 as described above.

Regarding claims 90-99 and 101-102, the claims are rejected based on the rejection of claims 2-6, 1, 8-11 and 16-17, respectively.

Regarding claim 103, the claim is rejected based on the rejection of claims 18, 29-30 and 31 as described above.

Regarding claims 104-114 and 116, the claims are rejected based on the rejection of claims 19-23, 18, 25, 56, 26-28 and 33, respectively.

10. Claims 100 and 115 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode et al (USPN 6,166,730), in view of Ludwig et al (USPN 6,816,904), in further view of Sull et al (US 2002/0069218), in further view of Abecassis (USPN 5,610,653).

Regarding claim 100, the claim is rejected based on the rejection of claims 89 and 15, as described above.

Regarding claim 115, the claim is rejected based on the rejection of claims 103 and 32, as described above.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is **571-272-7346**. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

**Any response to this action should be mailed to:**

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

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Michael W. Hoye  
February 20, 2007



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
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